

Chief, Administrative Staff, ORN

3 March 1948

General Counsel

Executive Order 9721

OGC Has Reviewed

1. In accordance with a telephone inquiry from your office, we are forwarding a copy of Executive Order 9721, concerning the transfer of personnel to public international organizations.

2. We have not had occasion to study thoroughly the application of this Order to CIA employees on Schedule A. We note, however, that the employment rights cited in paragraph 3(a) of the Order are not limited to those with permanent status but are given to those with classified civil-service status. Thus, 3(a) and (b) would appear to be applicable to our situation. We shall be glad to work with the Personnel Branch, ASH, on any actual case which may arise through your office.

3. We note that Executive Order 9852 of 31 May 1947 extends provisions of E.O. 9721 to the transfer of personnel to the American mission for aid to Greece and the American mission for aid to Turkey. Furthermore, E.O. 9852, effective 1 September 1947, published 2 March 1948, makes similar provision under authority of the Foreign Service Act of 1946, for assignment of officers or employees of the Government to the Foreign Service as Foreign Service reserve officers. In this case, reinstatement at the end of the tour as Foreign Service reserve officer is governed by Section 528 of the Foreign Service Act of 1946, which provided that on termination the officer shall be entitled to reinstatement in the Government agency by which he is regularly employed in the same position which he occupied at the time of assignment, or in a corresponding or higher position. E.O. 9852 provides that, if the individual accepts a position elsewhere than in the Government agency in which he previously served or fails to avail himself of his reinstatement rights within thirty days, he waives his rights under Section 528 of the Foreign Service Act.

4. We feel that each case arising in CIA should have full consideration by the Personnel Branch, ADM, and this office, to insure proper protection of the individual and the Agency.

LAWRENCE S. HOUSTON

LRH:mbt